
SUBSTITUTE SENATE BILL 5893

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senator Jacobsen)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to secondary commercial fish receivers; amending
2 RCW 77.15.568; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 77.15.568 and 2003 c 336 s 1 are each amended to read
5 as follows:

6 Since violation of rules of the department relating to the
7 accounting of the commercial harvest of food fish, commercialized game
8 fish, and shellfish result in damage to the resources of the state,
9 persons (~~(selling such fish and shellfish at retail, including but not~~
10 ~~limited to stores, markets, and restaurants,)~~ acting in the capacity
11 of a secondary commercial fish receiver must maintain sufficient
12 records for the department to be able to ascertain the origin of the
13 fish and shellfish in their possession. Secondary commercial fish
14 receivers are persons possessing or controlling possession of fish and
15 shellfish that have been or should have been recorded on fish receiving
16 tickets, or have been or should have been recorded on aquatic farm
17 production reports. Secondary commercial fish receivers include, but
18 are not limited to, retail sales outlets, cold storage facilities,

1 shippers, brokers, and other businesses that hold commercial fish and
2 shellfish for other persons.

3 (1) A ~~((retail fish seller))~~ person is guilty of ~~((retail))~~ a
4 secondary commercial fish ~~((seller's))~~ receiver's failure to account
5 for commercial harvest if the ~~((retail seller))~~ person sells fish or
6 shellfish at retail, stores or holds fish or shellfish for another,
7 ships fish or shellfish, or brokers fish or shellfish, the fish or
8 shellfish were required to be entered on a Washington state fish
9 receiving ticket or a Washington aquatic farm production report, the
10 ~~((seller))~~ person is not a wholesale fish dealer ~~((or)),~~ fisher selling
11 under a direct retail sale endorsement, or registered aquatic farmer,
12 and the ~~((seller))~~ person fails to maintain ~~((sufficient))~~ records of
13 each receipt of fish or shellfish at the location where the fish or
14 shellfish are being sold ~~((to determine)),~~ at the location where the
15 fish or shellfish are being stored or held, or the principal place of
16 business of the shipper or broker, or violates the recordkeeping
17 requirements of this section.

18 (2) The record of receipt of fish or shellfish must be maintained
19 for three years after receipt, after shipping date, or after the
20 product is brokered.

21 (3) Records maintained by businesses that retail or broker must
22 state the following:

23 (a) The name of the wholesale fish dealer ~~((or)),~~ fisher selling
24 under a direct retail sale endorsement, or aquatic farmer from whom the
25 fish or shellfish were purchased or received;

26 (b) ~~((The wholesale fish dealer's license number or the number of~~
27 ~~the fisher's sale under a direct retail sale endorsement;~~

28 ~~(e))~~ The fish receiving ticket number documenting original
29 receipt, or aquatic farm production annual report documenting
30 production, if known;

31 ~~((d))~~ (c) The date of purchase or receipt; and

32 ~~((e))~~ (d) The amount of fish or shellfish ~~((originally))~~
33 purchased ~~((from the wholesale dealer or fisher selling under a direct~~
34 ~~retail sale endorsement))~~ or received.

35 ~~((2))~~ (4) Records maintained by businesses that store, hold, or
36 ship fish or shellfish for others must state the following:

37 (a) The name, address, and phone number of the person from whom the
38 fish or shellfish were received;

1 (b) The date of receipt; and
2 (c) The amount of fish or shellfish received.
3 (5) A ((~~retail~~)) secondary commercial fish ((~~seller's~~)) receiver's
4 failure to account for commercial harvest is a misdemeanor.

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